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PATENT
ATTORNEY DOCKET NO. 053847-5002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Masami MASUKO) Confirmation No.: 4923
Application No.: 10/618,706)
Filed: July 15, 2003) Examiner: B. Chen
For: PROCESSES FOR PRODUCING A)
WHETSTONE AND WHETSTONE PELLETS) MS Amendment
WITH UNIFORM ABRASION LAYERS)
(As Amended))

Commissioner for Patents
U.S. Patent and Trademark Office
220 20th Street S.
Customer Window MS Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

AMENDMENT AND

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111

In response to the Non-Final Office Action dated July 23, 2004, the period of response to which extends through October 23, 2004, please amend the above identified application as follows:



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Sir:

AMENDMENT AND REQUEST FOR RECONSIDERATION TRANSMITTAL FORM

1. Transmitted herewith is an Amendment and Request for Reconsideration responding to the Office Action dated July 23, 2004.
2. Additional papers enclosed:

Drawings: Formal (Replacement Sheet) Informal
 Information Disclosure Statement
 Form PTO-1449, ____ references included
 Citations
 Declaration of Biological Deposit
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| Total Months <u>Requested</u> | Fee for <u>Extension</u> | [Fee for Small Entity] |
|---------------------------------------|-----------------------------|---------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> two months | \$ 430.00 | \$ 215.00 |
| <input type="checkbox"/> three months | \$ 980.00 | \$ 490.00 |
| <input type="checkbox"/> four months | \$ 1,530.00 | \$ 765.00 |

Extension of time fee due with this request: \$ _____.

An extension for _____ months has already been secured and the fee paid therefor of \$____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|---|----------------------------------|-------|-----------------------------|---------------|--------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 19 | minus | 20 | 0 | x \$18 each= | +\$ 0.00 |
| Independent Claims (37 C.F.R. §1.16(b)) | 6 | minus | 7 | 0 | x \$88 each= | +\$ 0.00 |
| [] First presentation of Multiple dependent claim(s) | | | | | \$300.00 | +\$ 0.00 |
| SUB-TOTAL = | | | | | | \$0.00 |
| Reduction by $\frac{1}{2}$ for filing by a small entity | | | | | | -\$ 0.00 |
| TOTAL FEE = | | | | | | \$ 0.00 |

6. Fee Payment

No fee is to be paid at this time.

The Commissioner is hereby authorized to charge \$_____ for the additional claims fee to Deposit Account No. 50-0310.

The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated October 22, 2004

By: Mary Jane Boswell
Mary Jane Boswell
Reg. No. 33,652

CUSTOMER NO. 09629

MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: (202) 739-3000